

# Accommodation of Utilities on Highway Rights of Way

**UDOT 08A6-2**

Effective: April 3, 1987

Revised: September 18, 1996

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## Purpose

The purpose of this policy is to outline Federal Regulations and State Statutes, Compliance with Environmental and Economic effects and design requirements regarding the "Accommodation of Utilities and the Control and Protection of State Highway and Control of State Highway Rights of Way".

## Policy

It is the policy of the Utah Department of Transportation, to accommodate utility installations on federal-aid and non-federal-aid highway rights of way, to the extent that these facilities may be accommodated without compromising the safety or integrity of the highway facility and without interference with the normal operation and maintenance activities as required for the state highways in accordance with the Utah Code Annotated 1953, Title 27, Chapter 12.

In the interest of safety to the road user and preservation of the highway facility and pavement structure, new utility installations and maintenance of existing utilities on highway rights of way shall be allowed only when made in compliance with the Department's "MANUAL FOR THE ACCOMMODATION OF UTILITIES AND THE CONTROL AND PROTECTION OF STATE HIGHWAY RIGHTS OF WAY".

The Utah Department of Transportation shall allow utility facilities on highway rights of way subject to their compliance with the 23 CODE OF FEDERAL REGULATIONS, Part 645, Subpart B, "ACCOMMODATION OF UTILITIES".

Where Federal-Aid funds are used on local streets and roads over which UDOT has no legal authority to control the use by utilities, UDOT will, by cooperative agreement prepared by a Local Government Projects Engineer, require compliance with UDOT's policy for accommodation of utilities. This will be referenced in the project agreement.

Permit applicants shall comply with all applicable environmental laws as follows before the Region Director or an authorized representative can issue a permit to proceed with any work.

- (1) Utah Code Annotated 9-8-404, Utah Historic Preservation Act.
- (2) United States Code Annotated Title 16, Part 662 Section 2 of the Fish and Game Coordination Act.
- (3) United States Code Annotated Title 16, Part 1271 et. Seq. of the Wild and Scenic Rivers Act.

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- (4) United States Code Annotated Title 16, Part 1536 of the Endangered Species Act of 1973, as amended.
- (5) United States Code Annotated Title 33, Part 1251 et. Seq. Clean Water Act of 1977.
- (6) United States Code Annotated Title 42, Part 300f et. seq. of the Clean Water Act.
- (7) United States Code Annotated Title 42, Part 7401 et. seq. of the Clean Air Act.
- (8) United States Code Annotated Title 42, Part 4001-4127 of the National Flood Insurance Act.
- (9) In accordance with the 23 CODE OF FEDERAL REGULATIONS, Part 645, Subpart B, Section 645.209(c)(2)(ii), the direct and indirect environmental and economic effects of any loss of productive agricultural land or any productivity of any agricultural land which would result from the disapproval of the use of such right of way for accommodation of such utility facility will be evaluated.

## General Items

Permits may be denied that are not in compliance with AASHTO Standards.

New utilities will not be permitted to be installed longitudinally within the control of access lines of any freeway and expressway facilities, except that in special cases such installations may be permitted under strictly controlled conditions and as approved by the Deputy Director. Utilities will not be allowed to be installed longitudinally within the median area.

The Region Permits Officer shall have the Region Traffic Engineer determine in accordance with the "Highway Capacity Manual" the current, "Level of Service" of a section of highway for which a utility permit application is being reviewed. There are six Levels of Service (A thru F) defined in the Transportation Research Board, National Research Council Special Report 209, 1985 Edition "Highway Capacity Manual" in Part II, "Definitions and Concepts - Level of Service". When it is found by the Region Traffic Engineer that the highway is operating at an unacceptable level of service, new utility installations beneath the traveled lanes will not be granted.